

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RHONDA AMBRISTER, individually and as
Legal Guardian of R.D., a minor,

22-cv-5516 (JGLC)

Plaintiff,

-against-

JUDGMENT

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.
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WHEREAS, Plaintiff RHONDA AMBRISTER, individually and as Legal Guardian of R.D., a child with disabilities, commenced this action on June 28, 2022, to reverse the adverse decision of a State Review Officer ("SRO") in administrative proceedings brought under the Individuals with Disabilities Education Act ("IDEA") and for a preliminary injunction establishing iBrain as R.D.'s pendency placement until the conclusion of the matter. [ECF No. 1].

WHEREAS, Plaintiff filed a First Amended Complaint on May 22, 2023. [ECF No. 53].

WHEREAS, on September 8, 2023, both parties moved for summary judgment [ECF Nos. 70, 72]; on September 29, 2023, Defendant filed its opposition to Plaintiff's motion for summary judgment [ECF No. 78]; on September 30, 2023, Plaintiff filed her opposition to Defendant's Motion for Summary Judgment [ECF No. 80]; and on October 13, 2023, the parties filed their Reply to the opposing party's opposition. [ECF Nos. 81, 82].

WHEREAS, the Court was to resolve whether Plaintiff was entitled to retroactive funding for R.D.'s tuition and related services at her private special education program for the 2019–2020, 2020–2021, and 2021–2022 school years; whether Plaintiff was entitled to pendency funding until the conclusion of this matter; and/or whether Defendant was entitled to summary judgment dismissing Plaintiff's First Amended Complaint in its entirety.

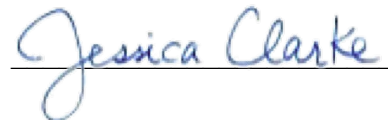
WHEREAS, on August 20, 2024, the Court issued an Opinion and Order resolving the preceding disputes. [ECF No. 88].

Accordingly, **IT IS HEREBY ORDERED, ADJUDGED, and DECREED** that, for the reasons stated in the Court's Opinion and Order dated August 20, 2024, Defendant's motion for summary judgment is GRANTED in part and DENIED in part. The Court finds the SRO did not err in giving preclusive effect to the prior administrative residency determination that was adverse to Plaintiff. The Court further finds that Plaintiff failed to exhaust administrative remedies for the time period from May 10, 2021, to September 13, 2021, before bringing this suit.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that for the reasons stated in the Court's Opinion and Order dated August 20, 2024, Plaintiff's motion for retroactive reimbursement for R.D.'s enrollment at iBRAIN is GRANTED in part and DENIED in part. Defendant shall pay the Student's tuition for the period from February 25, 2020, through and including March 25, 2020, together with the cost of the related services, by direct payment to the school and/or service providers. Plaintiff's motion for summary judgment is DENIED in all other respects. For the reasons stated in Section II of the Court's Opinion and Order, Plaintiff's motion for a preliminary injunction is DENIED.

The Clerk of the Court is directed to enter Judgment as set forth above and close this case consistent herewith.

Dated: November 4, 2024
New York, New York

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style.

Jessica G. L. Clarke
United States District Judge